

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**Case No.: 1:25-cv-20757-JB/Torres**

JANE DOE,  
Plaintiff,

v.

STEVEN K. BONNELL II,  
Defendant.

\_\_\_\_\_ /

**STEVEN K. BONNELL'S OPPOSITION TO PLAINTIFF'S UNTIMELY MOTION TO  
AMEND THE DECLARATION OF HER PURPORTED EXPERT**

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On September 19, 2025, defendant Steven Bonnell filed a motion to dismiss the amended complaint for lack of subject matter jurisdiction. [ECF No. 132.] Plaintiff Jane Doe filed her opposition to the motion on October 3, 2025. [ECF No. 139.] In connection with her opposition, Plaintiff submitted a declaration from a purported expert witness named Jesus Peña. [ECF No. 139-1.] In his declaration, Mr. Peña falsely opines that Bonnell tampered with evidence in this case. (*See Reply in Support of Mot. To Dismiss* [ECF No. 149] at 1-2, 8-10.) As Bonnell pointed out in his reply papers, Mr. Peña’s testimony is not even his own—he plagiarized portions of his sworn testimony by copying and pasting, *verbatim*, from a third-party’s post on KiwiFarms, the same website that published the Video in November 2024. (*Id.*) Worse, Mr. Peña unsuccessfully attempted to conceal this fact. Then, nearly a week after Plaintiff filed the Peña Declaration, without even attempting to meet and confer with the undersigned counsel, on October 8, 2025, Plaintiff filed a pleading styled, “Motion Submitting Amendment to Declaration in Support of Opposition to Motion To Dismiss Amended Complaint.” [ECF No. 147.] By way of this so-called “Motion,” Plaintiff seeks to walk back considerable portions of Mr. Peña’s declaration, including his some of his ultimate conclusions. Among other things, Plaintiff argues that paragraphs 17 and 18 of the Peña Declaration are “no longer supported” and “should be disregarded by the Court.” (*Id.* ¶ 2.)

For the reasons set forth in Bonnell’s Reply papers, the Court should disregard the entirety of the Peña Declaration and specifically the do-over Mr. Peña now seeks. (*See Reply* [ECF No. 149] at 8-9 (arguing that Mr. Peña is not a qualified expert witness.) Apart from the fact that Plaintiff’s proposed amendment to the Peña Declaration [ECF No. 147-1] is untimely, as it was filed nearly a week after Plaintiff’s opposition papers were due and only two days before Bonnell’s

reply brief was due, it also substantively changes the conclusions of Plaintiff's purported expert witness and forces Bonnell to have to respond to an ever-changing argument.

Further, and fatal to Plaintiff's Motion, is the fact that at no time prior to filing the proposed amendment to the Peña Declaration did Plaintiff's attorneys even attempt to meet and confer with the undersigned counsel about the filing. Until Bonnell was served with Plaintiff's Motion papers, he and his attorneys were completely in the dark regarding the requested relief. (*See* Reply [ECF No. 149] at 9 & n.8.) Indeed, Local Rule 7.1(a)(2) provides that a failure to meet and confer "may be cause for the Court to . . . deny the motion and impose on counsel an appropriate sanction, which may include an order to pay the amount of the reasonable expenses incurred because of the violation, including a reasonable attorney's fee." Such relief is appropriate here.

Dated: October 20, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 20, 2025, a true and correct copy of the foregoing document is being served this day on all counsel of record, including those listed in the below Service List, via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Patricia M. Patino  
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**SERVICE LIST**

*Jane Doe v. Steven K. Bonnell II*  
*Case No.: 1:25-cv-20757-JB/Torres*

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